

**REMARKS**

This Amendment is being filed on even date as the filing of an RCE application.

Claim 36 has been amended. Claims 29 – 31 have been canceled. A new independent method claim 37 and new dependent claims 38 and 39 depending therefrom have been added. Claims 15 – 23, 25 – 28, and 33 - 39 are currently pending in the present application.

In the Office Action, claims 15-19, 21, 26-33, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Damrath US Patent No. 5,938,425. Furthermore, in the Office Action, claims 20, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Damrath US Patent No. 5,938,425. Additionally, in the Office Action, claims 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Damrath US Patent No. 5,938,425.

Applicants respectfully traverse the rejection of claims 15 – 31 and 33 – 35 under 35 U.S.C. 102(b) and §103(a) in view of the following comments.

Claim 15 of the present application recites a gas cooking apparatus including at least one gas burner, a control system for adjusting the heat output of the gas burner, and the control system includes at least one control organ arranged in a gas main leading to the gas burner. The gas cooking apparatus also includes the control system controlling the control organ to adjust a gas throughput supplied to a burner nozzle of the gas burner. As further recited in claim 15 of the present application, the gas cooking apparatus also includes at least one primary line communicated with the gas main and coupled to the burner nozzle via the control organ such that the control organ controls the gas

throughput supplied through the primary line to the burner nozzle and the path of gas supplied through the primary line via the control organ to the burner nozzle having a flow resistance greater than a flow resistance formed by the burner nozzle. Additionally, the gas cooking apparatus includes at least one secondary line coupled to the burner nozzle in parallel to the control organ. The secondary line includes an allocated shut-off organ for opening and closing the secondary line and the secondary line formed to have a flow resistance which restricts the gas throughput in the secondary line, the flow resistance being lower than a flow resistance formed by the burner nozzle.

Damrath US Patent No. 5,938,425 discloses a gas supply pipe 1 supplied by a gas main, a gas tank or a gas cylinder for the controlled supply of gas according to the invention to a burner nozzle 3, which is the integral part of a burner 2, which can be installed e.g. in a gas cooker or gas baking oven. The gas supply pipe 1 branches into four partial gas pipes 10, 20, 30, 40 connected in parallel, which subsequently recombine to form a burner supply pipe 5 connected to the burner nozzle 3. The partial gas pipes 10, 20, 30, 40 each have a control unit for control of the partial gas flows and the control units each comprise a switching element 11, 21, 31, 41 and a throttle element 12, 22, 32, 42.

It is submitted that Damrath US Patent No. 5,938,425 fails to teach or disclose a gas cooking apparatus as recited in claim 15 of the present application. For example, Damrath US Patent No. 5,938,425 fails to teach or disclose a primary line to the burner nozzle with the path of gas supplied through the primary line having a flow resistance greater than a flow resistance formed by the burner nozzle and, additionally, a secondary line formed to have a flow resistance lower than a flow resistance formed by the burner nozzle. Instead, the gas pipes 10, 20, 30, 40 are all formed to have a flow resistance lower than a flow resistance formed by the burner nozzle but there is no teaching or disclosure

of a primary line having a flow resistance greater than a flow resistance formed by the burner nozzle.

Thus, it is accordingly believed that Damrath US Patent No. 5,938,425 neither shows nor suggests the gas cooking apparatus of the present invention as recited in claim 15 of the present application and the method as recited in claim 29 of the present application. Claims 15 and 29 of the present application are, therefore, believed to be patentable over the prior art and, since claims 16 – 23 and 25 – 28 are ultimately dependent on claim 15 of the present application and claims 31, 33, and 34 are ultimately dependent on claim 29 of the present application, it is submitted that claims 16 - 28 and 35 and claims 31, 33, and 34 are patentable for at least the reason that claims 15 and 29 are patentable.

Additionally, it is submitted that new method claim 37 patentably defines over the prior art of record. Claim 37 recites a method for controlling a gas cooking apparatus including at least one gas burner. The inventive method includes the step of supplying gas to a burner nozzle of a gas burner via a primary gas route, the supplying gas via a primary gas route including supplying gas through at least one primary line communicated with the burner nozzle and having a flow resistance greater than a flow resistance formed by the burner nozzle, whereupon the respective gas supplied through each respective primary line communicated with the burner nozzle is less than a maximum gas throughput that could be handled by the burner nozzle and controlling gas supplied via the primary gas route such that the collective gas throughput through all primary lines is less than the maximum gas throughput that could be handled by the burner nozzle. The method also includes the step of selectively supplying gas to the burner nozzle via a secondary gas route, the selectively supplying gas via the secondary gas route including supplying gas through a secondary line having a flow resistance lower than a flow resistance formed by

the burner nozzle and supplying gas through the secondary line at a time during which the supplying gas via the primary gas route occurs, whereupon the total gas supplied to the burner nozzle during such simultaneous supplying of gas via the primary gas route and via the secondary gas route is at least equal to the maximum gas throughput that could be handled by the burner nozzle.

It is submitted that Damrath US Patent No. 5,938,425 fails to teach or disclose a gas cooking apparatus as recited in claim 37 of the present application. For example, Damrath US Patent No. 5,938,425 fails to teach or disclose controlling gas supplied via a primary gas route such that the collective gas throughput through all primary lines is less than the maximum gas throughput that could be handled by the burner nozzle and, additionally, selectively supplying gas via the secondary gas route including supplying gas through a secondary line having a flow resistance lower than a flow resistance formed by the burner nozzle and supplying gas through the secondary line at a time during which the supplying gas via the primary gas route occurs, whereupon the total gas supplied to the burner nozzle during such simultaneous supplying of gas via the primary gas route and via the secondary gas route is at least equal to the maximum gas throughput that could be handled by the burner nozzle. Instead, the gas pipes 10, 20, 30, 40 of Damrath US Patent No. 5,938,425 are all formed to have a flow resistance lower than a flow resistance formed by the burner nozzle but there is no teaching or disclosure of a simultaneous supplying of gas via the primary gas route and via the secondary gas route at least equal to the maximum gas throughput that could be handled by the burner nozzle.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 15 – 23, 25 – 28, and 33 - 39 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell W. Warnock", with a stylized, flowing script.

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